REMARKS

Applicants have reviewed this application in light of the Office Action dated June 19, 2009. Claims 1–29 remain pending in the application. Applicants request reconsideration of the rejections in view of the following remarks.

Claims 1–2, 4–9, 11, 13, 15–17, 19–22, 24, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0055951 to Slotznick (hereinafter "Slotznick") in view of U.S. Patent No. 6,947,992 to Shachor (hereinafter "Shachor").

Claim 1 recites, *inter alia*, "packing information comprising the message of the session and the resource locator; sending the packed information to a remote site computer from the local computer." Independent claims 22, 25, 26, and 28 recite analogous language. The Examiner concedes that Slotznick "may not explicitly disclose" the element of packing information (and hence does not disclose sending such packed information to a remote site computer), but asserts that Shachor cures this deficiency.

In response to the Applicants' arguments in the previous response, wherein Applicants asserted that *both* references fail to teach the quoted claim element, the Examiner states merely, "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Applicants' based their arguments on the Examiner's statement, "Slotznick may not explicitly disclose the limitations; '…packing information comprising the message of the session and the resources locator.'" Applicants simply relied on the examiner's concession. If Slotznick did indeed disclose such an element, then the inclusion of Shachor would be cumulative and improper. *See* MPEP § 706.02(I). Therefore, the examiner's reliance of Shachor to show this element constitutes a clear indication that Slotznick does not teach it. Applicants therefore *did* attack both references in their previous response, stating, "it is respectfully asserted that Slotznick and/or Shachor, taken alone or in combination, fail to disclose or suggest packaging a cookie with a resource locator."

The purpose of examination is to identify the substantive issues of patentability as quickly and as clearly as possible. The examiner's use of language such as "may not explicitly disclose"

serves simply to delay prosecution and impede this goal. Applicants request that the Examiner use more definitive language when issuing future actions.

In order to be completely unambiguous, Applicants respectfully assert that Slotznick fails to teach or suggest packaging a message of a session (e.g., a "cookie") and a resource locator. Slotznick makes no disclosure or suggestion of the desirability of preserving a session between devices. Instead, as paragraph 95 of Slotznick clearly states, only an electronic address is communicated. Thus, Slotznick does not package a message of a session with a resource locator, and hence, Slotznick does send any such packaged information.

As noted above, the Examiner introduces Shachor to cure these deficiencies. Shachor describes a technique for maintaining a connection between a single client computer and a plurality of servers. After the client receives session information from the server, the client can maintain that session even if the particular server communicating with the client changes. However, nowhere does Shachor discuss packaging such a session message, or transferring it from the client. Once Shachor's client has received the session message, no further transfers of that message occur.

In contrast, the presently claimed invention recites packaging a session message with a resource locator and sending them to a remote site computer. Doing so effectively transfers the session to the remote site computer and allows it to communicate with the server as if it were the local computer. This presents significant advantages over the prior art by allowing transfer of an authenticated session, thereby permitting a user to conduct remote site downloading with content to which the user has privileged access (such as purchased content). Because Shachor concerns itself solely with a single client machine maintaining a session between multiple servers, no need exists to package or transfer that session information. Thus, Shachor neither discloses nor suggests packaging a session message and a resource locator, or sending such packaged information.

In light of the above Applicants respectfully asserts that Slotznick and/or Shachor, taken alone or in combination, fail to disclose or suggest packaging a cookie with a resource locator. Furthermore, these references, taken alone or in combination, fail to disclose or suggest sending such packaged information to a remote site computer from the local computer. Applicants traverse the rejection on the grounds that *both* references, considered individually or in tandem,

fail to teach or suggest all of the elements of the present claims.

In view of the foregoing, applicants maintain that independent claims 1, 22, and 26 recite allowable subject matter. Claims 2, 4–9, 11, 13, 15–17, 19–21, and 24 depend from claims 1 and 22 and therefore include all of the elements of their parent claims. Therefore, claims 2, 4–9, 11, 13, 15–17, 19–21, and 24 also recite allowable subject matter.

Claims 1, 10, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,377,974 to Feigenbaum (hereinafter "Feigenbaum") in view of Shachor. As noted above, independent claim 1 recites, *inter alia*, "packing information comprising the message of the session and the resource locator; sending the packed information to a remote site computer from the local computer." The Examiner concedes that Feigenbaum does not disclose this element, but again cites Shachor to supply the missing teachings. Again, the Examiner has used the imprecise language, "may not explicitly disclose." Additionally, the Examiner's repeated rejection of claim 1 represents a violation of the precepts of MPEP § 706.02(I), mandating that only the best prior art be used, and that cumulative rejections be avoided. Because the present claims do not meet the limited exceptions set forth in § 706.02(I), applicants respectfully request the Examiner withdraw one of the redundant rejections.

As has been noted above, Shachor fails to disclose or suggest packaging a session message or transferring it from the client. In order to be completely unambiguous, it is also respectfully asserted that Feigenbaum similarly fails to disclose or suggest these elements. Thus, the combination of the two references also fails to disclose or suggest the claimed elements.

Feigenbaum concerns a technique for resuming a download. In this regard, Feigenbaum directs a proxy server to download the file, which the client then downloads from the proxy server, gaining the advantage of download resumption. Feigenbaum discusses using a URL to locate a file, but never makes any mention whatsoever of a message of a session (e.g., a cookie). Feigenbaum furthermore fails to disclose in any way how the proxy server receives an instruction to download a file — contrary to the Examiner's assertion, Feigenbaum makes no mention of "sending" anything at all. It is therefore respectfully asserted that Feigenbaum fails to disclose or suggest packaging a message of a session with a resource locator, and furthermore fails to disclose or suggest sending such packed information.

For at least the reasons discussed above, applicants assert that Feigenbaum and/or Shachor, taken alone or in combination, fail to disclose or suggest all of the elements of claim 1. Therefore, claim 1 recites patentable subject matter. Claims 10 and 12 depend from claim 1 and include all of the elements of their parent claim. Therefore, claims 10 and 12 recite patentable subject matter.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Feigenbaum in view of Shachor and further in view of U.S. Patent No. 6,959,285 to Stefanik et al. (hereinafter "Stefanik").

Stefanik cannot cure the deficiencies of Feigenbaum and Shachor described above with respect to claim 1. Because claim 14 depends from claim 1 and includes all of its elements, it is therefore respectfully asserted that Feigenbaum, Shachor, and/or Stefanik, taken alone or in any combination, fail to disclose or suggest all of the elements of claim 14. It is therefore believed that claim 14 is in condition for allowance. Reconsideration of the rejection is earnestly solicited.

Claims 3, 18, 23, 25, and 27–29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Slotznick, in view of Shachor, and further in view of U.S. Patent No. 6,934,735 to Emens et al. (hereinafter "Emens").

Claims 25 and 28 recite all of the above-discussed elements. Emens cannot cure the deficiencies of Slotznick and Shachor described above with regard to claims 1, 22, 25, and 28. Because claims 3, 18, 23, and 27–29 depend from claims 1, 22, 25, and 28, and therefore include all of the elements of their parent claims, it is respectfully asserted that Slotznick, Shachor, and/or Emens, taken alone or in any combination, fail to disclose or suggest all of the elements of claims 3, 18, 23, 25, and 27–29. Therefore claims 3, 18, 23, 25, and 27–29 recite allowable subject matter.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic

interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832.**

Respectfully submitted,
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